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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,931	12/04/2003	Elizabeth M. Comstock	199-0174US-D	6977

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EXAMINER

VU, VIET DUY

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/727,931

Applicant(s)

COMSTOCK ET AL.

Examiner

Viet Vu

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Non-Art Rejection:

1. The following non-statutory double patenting rejection is based on a judicially created doctrine grounded in public policy so as to prevent the unjustified or improper timewise extension of the right to exclude granted by a patent. In re Sarett, 327 F.2d 1005, 140 USPQ 474 (CCPA 1964); In re Schneller, 397 F.2d 350, 158 USPQ 210 (CCPA 1968); In re White, 405 F.2d 904, 160 USPQ 644 (CCPA 1969); In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); In re Van Ornam, 686 F.2d 937, 214 USPQ 761 (CCPA 1970); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); and In re Goodman, 29 USPQ 2d 2010 (Fed. Cir. 1993).

A timely filed terminal disclaimer in compliance with 37 C.F.R. 1.321(b) would overcome an actual or provisional rejection on this ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 C.F.R. 1.78(d).

2. Claims 1-19 are rejected under the judicially created doctrine of provisional double patenting as being unpatentable over claims 8-13 and 16-23 of a copending U.S. Patent Application Ser. No. 10/742,048.

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Although the conflicting claims are not identical, they are not patentable distinct from each other because the use of a multi-port switch for selecting an output signal of multimedia conference signals (not cited in claims of the copending application) is well known in the art.

Art Rejection:

3. The text of 35 USC 103(a) not cited here can be found in the previous office action.

4. Claims 1-13 and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, U.S. pat. No. 6,201,859.

Per claims 1-2 and 5, Smith discloses a multimedia conferencing comprising:

- a) a plurality of media displays (3, fig. 1) at end users,
- b) a multipoint controller unit (MCU 1, fig. 1) having a plurality of output switches, each output switch receiving one or more media outputs from one or more sources, each output switch responsive to an output control signal for selecting one or more of the one or more media outputs to output as switched outputs, thereby providing one or more switched outputs to the media display (see col 6, lines 46-65);

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c) a policy manager, the policy manager applying a predetermined policy to generate the output control signal, and the policy manager providing the output control signal to the MCU, whereby the media display is controlled according to the predetermined policy (see col 7, lines 16-30).

Smith also teaches using/maintaining an ID/label in a conference database to identify a media type of each participant, i.e., audio, video, (see col 17, lines 1-41). Smith does not explicitly teach using a signal selection policy that depends upon signal ID/labels. Smith however teaches applying certain signal selection policy that would depend upon at least user signal types (i.e., audio, video) and statuses (i.e., active, inactive) (see col 19, lines 3-45).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to realize such use of signal ID/label in a signal selection policy making because it would have enabled the system to properly select a particular multimedia signal.

Per claim 3, Smith teaches mixing or selecting one or more media sources for delivering to the users (see col 8, lines 11-21).

Per claim 4, Smith teaches providing selecting media stream based on a content policy, e.g., audio or video, and/or people policy, e.g., chairperson control (see col 19, lines 3-67).

Per claim 6, Smith teaches providing a chairperson control function to provide exclusive control over roles of the predetermined conference policy (see col 19, lines 61-67). Smith does not explicitly teach using a control token. An official notice is taken that the use of a token for providing chairperson control function is well known in the art. It would have obvious to one of ordinary skill in the art at the time the invention was made to utilize such use control token because it would have enabled implementing chairperson control function in Smith (see col 19, lines 61-67).

Per claim 9, Smith teaches a network interface for coupling with conferencing device (see col 7, lines 35-48).

Per claim 10, Smith further teaches assigning priority to data stream for displaying signals in select order (see col 19, lines 46-53). It is noted that priority would be hierarchically defined.

Claims 7-8, 11-13, 15 and 17-19 are similar in scope as that of claims 1-6 and 9-10.

Per claim 16, Smith teaches processing and converting media stream signal from one form to another (see Smith in col 20, lines 11-48).

5. Claim 14 is not rejected by art.

Response to Amendment:

6. Applicant's arguments filed on 7/12/06 with respect to claims 1-13 and 15-19 are moot in view of new grounds of rejection set forth above.

Applicant alleges that the applied reference does not teach determining a policy based on a label associated with, but separated from, the output signal.

The examiner submits that applicant's reading of a label associated with from the output signal being separated from the output signal is not accurate because "associated" does not necessarily equal to "separated". An "associated" label could be stored within or outside the signal. Regardless, a further review of Smith reveals that Smith indeed teaches use of Ids/labels to identify the media type where the labels are both stored outside the signal (col 17, lines 1-43) and within the signal (col 21, lines 3-11). Smith also teaches making selection of particular media type (e.g., video) for displaying (col).

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Thus, it would have been obvious to one skilled in the art that the user would have relied upon information regarding availability of the media types or labels in defining a data selection policy, e.g., viewing videos of participants that have video signals.

Conclusion:

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Friday from 7:00am to 4:00pm. The Group general information number is 571-272-2100. The Group fax number is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on 571-272-3964.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VIET D. VU
PRIMARY EXAMINER